Mail Stop Interference P.O. Box 1450 Alexandria Va 22313-1450

Tel: 571-272-4683 Fax: 571-273-0042 Paper 1 Filed: 17 October 2008

#### UNITED STATES PATENT AND TRADEMARK OFFICE

# BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

ROBERT W. **RATTE** and NORMAN E. PETERSON Junior Party (Patent 6,902,095),

v.

BERNARD N. **SPIEGELBERG** and TERRY J. EVRAETS Senior Party (Application 11/268,497).

Patent Interference No. 105,659 (SCM) (Technology Center 1700)

DECLARATION - Bd.R. 203(b)<sup>1</sup>

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the aboveidentified parties. Details of the application(s), patent (if any), reissue

<sup>&</sup>lt;sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

- 1 application (if any), count(s) and claims designated as corresponding or as
- 2 not corresponding to the count(s) appear in Parts E and F of this
- 3 DECLARATION.
- 4 Part B. Judge managing the interference
- 5 Administrative Patent Judge Sally C. Medley has been designated to
- 6 manage the interference. Bd. R. 104(a).
- 7 Part C. Standing order
- 8 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies
- 9 this DECLARATION. The STANDING ORDER applies to this
- 10 interference.
- 11 Part D. Initial conference call
- A telephone conference call to discuss the interference is set for
- 13 1:00 p.m. on 11 December 2008 (the Board will initiate the call).
- No later than **four business days** prior to the conference call, each
- party shall file and serve (SO  $\P$ ¶ 10.1 & 105) a list of the motions
- 16 (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.
- 17 A sample schedule for taking action during the motion phase appears
- as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss
- 19 the schedule prior to the conference call and to agree on dates for taking
- 20 action. A typical motion period lasts approximately eight (8) months.
- 21 Counsel should be prepared to justify any request for a shorter or longer
- 22 period.

1	Part E. Identification and order of the parties		
2		Junior Party	
3			
4	Named inventors:	ROBERT W. RATTE, North Oaks, MN	
5		NORMAN E. PETERSON, Wyoming, MN	
6		•	
7	Involved Patent:	U.S. Patent 6,902,095, issued 07 June 2005,	
8		based on application 10/613,781, filed 03	
9		July 2003	
10			
11	Title:	Two Part Cold Formed Battery Terminal	
12	<b>A</b> :	W . C . 1' C	
13 14	Assignee:	Water Gremlin Co.	
15		Sonior Dorty	
16		Senior Party	
17	Named Inventors:	BERNARD N. SPIEGELBERG,	
18	·	Mequon, WI	
19		TERRY J. EVRAETS, West Bend, WI	
20			
21	Involved Application:	11/268,497, filed 08 November 2005	
22			
. 23	Title:	Cold Formed Battery Terminal	
24	A	T. 1' . C	
25 26	Assignee:	Tulip Corp.	
27	The senior party is assigned exhibit numbers 1001-1999. The junior		
28	party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1);		
29	SO ¶ 154.2.1. The senior party is responsible for initiating settlement		
30	discussions. SO ¶ 126.1.		
31			
32			
33			

1	Part F. Count and claims of the parties		
2	Count 1		
3			
4 5	Claim 1 of Ratte's U.S. Patent 6,902,095		
6	or		
7	OI .		
8	Claim 27 of Spiegelberg's Application 11/268,497		
9			
10	The eleipse of the counties		
11 12	The claims of the parties	are:	
13	Ratte:	1-9	
14			
15	Spiegelberg:	27-35	
16			
17 18	The claims of the mention which common and to Count 1		
	The claims of the parties which correspond to Count 1 are:		
19	D - 44 - 1	1.0	
20 21	Ratte:	1-9	
22	Spiegelberg:	27-35	
23	1 3 3		
24	·		
25	The claims of the parties which do not correspond to Count 1, and		
26	therefore are not involved in the interference, are:		
27	Ratte:	none	
28 29	Spiegolhorge	none	
30	Spiegelberg:	none	
31			
32 33			
34			
35 36			
30			

1	The parties are accorded the following benefit for Count 1:		
2		_	
3			
4	Ratte:	none	
5			
6	Spiegelberg:	10/162,059, filed 04 June 2002,	
7		now U.S. Patent 7,163,763,	
8	•	issued 16 January 2007	

- 1 Part G. Heading to be used on papers
- 2 The following heading must be used on all papers filed in this
- 3 interference, see SO & 106.1.1:

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### Part H. Order form for requesting file copies

- When requesting copies of files, use of SO Form 4 will greatly
- 3 expedite processing of the request. Please attach a copy of Parts E and F of
- 4 this DECLARATION with a hand-drawn circle around the patents and
- 5 applications for which a copy of a file wrapper is requested.

6

1

/Sally C. Medley/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER Form PTO-850 Examiner's write-up Copy U.S. Patent 6,902,095 Copy U.S. Patent 7,163,763 Copy of claims of 11/268,497

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Ratte:

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